

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-221-D-1

UNITED STATES OF AMERICA,)
)
 v.)
)
 MICHAEL JAMAL ALLEN,)
)
 Defendant.)


ORDER

On July 29, 2016, Michael Jamal Allen (“Allen”) moved to reduce his sentence under 18 U.S.C. § 3582 and Amendment 794 [D.E. 133]. On May 19, 2017, the government responded in opposition [D.E. 135].

U.S.S.G. § 1B1.10(d) lists the amendments that receive retroactive application. See U.S.S.G. § 1B1.10(d). That list “does not include Amendment 794.” United States v. Welch, 684 F. App’x 285, 286 (4th Cir. 2017) (per curiam) (unpublished); United States v. Brewton, 684 F. App’x 288 (4th Cir. 2017) (per curiam) (unpublished). Thus, the court denies Allen’s motion under Amendment 794. Alternatively, the court denies the motion because Allen was not a minor participant. See [D.E. 135] 1–2; Presentence Investigation Report [D.E. 77] ¶¶ 15–16, 18; U.S.S.G. § 3B1.2.

In sum, the court DENIES Allen’s motion [D.E. 133].

SO ORDERED. This 24 day of January 2018.



JAMES C. DEVER III
Chief United States District Judge